

MEETING SUMMARY
NATIONAL SALTWATER ANGLER REGISTRY TEAM MEETING
AUGUST 7 & 8, 2007

1. INTRODUCTIONS:

Team members in attendance were: Gordon Colvin, Dick Brame, Brad Spear, George Lapointe, Spud Woodward, Erik Barth, Mark Robson and Ed Ebisui.

Observers/guests in attendance were: Miguel Rolon, CFMC; Marla Trollan, NOAA Fisheries Service; Forbes Darby, NOAA Fisheries Service; John Boreman, NOAA Fisheries Service; Larry Simpson, GSMFC; Dave Donaldson, GSMFC; Russell Porter, PSMFC.

2. PUBLIC COMMENT

Opportunity for public comment was provided. No members of the public were in attendance.

3. REVIEW OF TEAM MEMBERSHIP, OPERATIONS, MEETINGS

Membership: Current Team membership was outlined. Members suggested stakeholder representation from license vendors (such as Bass Pro Shops or WalMart representatives involved in organizing the companies' participation in state license sales) be considered. It was also noted that this interest may be within the membership of ASA and/or NMMA, both of which have deferred to CCA in providing input to this program to date. The Team discussed the need to increase membership from the Gulf and Pacific coast states. Mark Robson volunteered to serve as a representative of both Gulf and South Atlantic coast states, and his offer was gratefully accepted by the Team. Mr. Colvin will reaffirm Phil Anderson's (WA) membership and will try to get another Pacific coast state's license program manager involved, probably from CA or AK. For the Western Pacific Region, it is appropriate to work closely with the WPFMC through Mr. Ebisui, and to also coordinate with the State of Hawaii. For the Caribbean Region, Mr. Colvin will contact Craig Lilyestrom to assure appropriate coordination with Puerto Rico, and will keep the CFMC informed of the Team's activities. Mr. Colvin also indicated that Ron Regan of the staff of the Association of Fish and Wildlife Agencies (AFWA) will be attending Team meetings and monitoring Team activities pending a decision by AFWA's Fisheries and Water Resources Policy and its Angling and Boating Participation Committees about Team membership.

Operations and Meetings: For the next few months, the Team will need to meet approximately monthly. In general, meetings will be by conference call, and will

begin in mid-afternoon to enable participation of the Pacific members. A face to face meeting will be needed in about 4 to 6 months to consider the terms of the final rule and to review status of development of information needs with the Operations Team.

FACA: The requirements of FACA were reviewed. Three of the Team's members are currently not FACA-exempt (they are neither federal employees nor state employees exempt under the Unfunded Mandates Reform Act). These Team members will not (and did not during the meeting) participate directly in the final selection of Team actions or decisions.

4. REVIEW ESC CHARGE TO REGISTRY TEAM AND STATUS REPORT ON ASSIGNMENTS

ESC Charge: Excerpts from the MRIP Development Plan and the ESC's June, 2007, Meeting Minutes were distributed and reviewed (Attachment 1). In addition, excerpts from the relevant sections of the NRC Report and the MSRA were distributed and reviewed.

Status Report: At its June meeting, the ESC tasked the Registry Team with fleshing out its membership, creating an inventory of state saltwater license information and drafting a Development Plan for the effort. The status of Registry Team formation was covered in Agenda Item 3 above. The Development Plan is addressed in Agenda Item 6 below.

Mr. Colvin briefed the Team on the status of the state license inventory. With considerable and much appreciated assistance of Mr. Spear and other ASMFC staff, an Excel template was developed to capture detailed descriptive information on all the states' licenses that confer saltwater fishing or for-hire vessel operating privileges. Using information readily available from state websites and publications, an Excel workbook has been created for each state's package of licenses. These draft workbooks have been distributed to the states through the regional partnerships (ACCSP; RecFIN (SE), Pacific RecFIN) who are now reviewing them and correcting errors and filling in blanks. We expect a final inventory by the time of the next Team meeting. A summary table format was circulated at the meeting. Mr. Colvin will e-mail the drafts of that table to the members as soon as possible following the meeting for their review and suggestions as to format and content revisions. It was agreed that the Team members will want to receive copies of the final summary tables, but not the workbooks, unless they individually request them.

5. PRINCIPAL OPTIONS FOR APPROACHES TO CREATING REGISTRY

Mr. Colvin distributed copies of power point slides that describe a series of candidate options for approaches to creating the national registry and state exemption program (Attachment 2). It was emphasized that these (and other meeting materials) were prepared as straw drafts to facilitate discussion and were not binding on the Team nor should they be regarded as a complete list.

General points of discussion about the options are summarized as follows:

- The Team discussed the provision of the MSRA that requires salt water anglers fishing in state waters to register only if fishing for anadromous fish. This very large exemption to a mandatory federal saltwater registration requirement influenced the Team's thinking about what to require of states in order for their anglers to be exempted from the federal registration requirement.

- The Team noted that the language of the MSRA allows anglers licensed/registered by a state to be exempted if the state provides information "suitable for the Secretary's use" OR the data "is used to assist in completing ...recreational...surveys." The Team therefore discussed exemption approaches that addressed both angler/for-hire vessel registries and state and regional surveys.

- It is highly preferable to secure angler (and for-hire vessel) identification and contact information from state registries than from a federally-imposed registry requirement. Accordingly, the Team is most interested in approaches that seek to approve state proposals for their anglers to be exempted.

- The Team believes that, for states, the avoidance of requiring their anglers to be registered by the federal government, and to pay a fee for registering beginning in 2011, is a powerful incentive for states to develop and make available complete saltwater angler registries. However, the Team believes other additional incentives should be identified and considered.

- The Team identified several questions that need resolution or clarification from the ESC and/or NOAA:

 - Scope of program. Does the requirement apply to recreational harvesting methods other than traditional angling (e.g. gigs, spears, recreational nets, etc.)? Does it apply only to fish (and not to shrimp, crabs, shellfish, etc.)? Note: the Team suggests traditional angling and fish only.

 - Uses of harvested fish: Does the registration requirement apply to all non-commercial harvest of fish, or only to "recreational"? How is recreational harvest defined and distinguished from other intended uses? How does this initiative regard fisheries by indigenous people and subsistence fishing? Note: the Team suggests only recreational fishing, but acknowledges a challenge in enforcing a registration requirement if it does not apply to all non-commercial angling.

 - Related to the preceding question, should a waiver for the proposed registration fee be included for non-commercial fishing by indigenous

people? Should there be other categories of fee waivers? Note: the Team would support a registry fee waiver for non-commercial fishing by indigenous people.

--We must define "anadromous fish" to include those that can migrate to the sea and exclude landlocked stocks.

--Will the requirement to register be enforced in state waters only when an anadromous species is in possession? Note: the Team believes this may be a practical limitation based on enforcement considerations.

--We will need to define the "Regions" for this regionally-based registry. Preliminarily, the Team sees the regions as: Western Pacific; North Pacific; Pacific (co-incident with Pacific RecFIN)); Gulf (co-incident with RecFIN(SE)); Caribbean; Atlantic (co-incident with ACCSP).

-In general the Team members agreed that our selected approach should be to build and maintain a system of regional registries that will become more complete over time, while also providing opportunity for states working through regional partnerships to seek exemptions based on use of registry-based data to implement recreational catch and effort surveys.

Consistent with the foregoing discussion, the Team will further develop and flesh out a Hybrid Approach to establishing the registry and state exemption program. The Hybrid Approach will be further reviewed at the Team's next meeting and, if the Team agrees to go forward on that basis, the ESC and NOAA Fisheries Service will be asked to approve that approach for further use in proposed rulemaking and program implementation planning. The principal features of the Hybrid Approach are:

1. A state could seek and receive an exemption in either of two ways. It could agree to provide angler identification and contact information from its own license or registry data base or it could be exempted as a member of a regional partnership in which angler registration information is used in a survey of recreational catch and effort.
2. For the first kind of state exemption program (state provides license/registry data), the initial requirements for approval would be liberal. However, states would need to commit to improvement of the license frame data base over time to achieve measurable benchmarks of improved license frame data delivery. See below for discussion of the candidate requirements.
3. For the second kind of state exemption (regional surveys), NOAA Fisheries Service would need to establish national standards for regional survey data collection programs. Only states involved in surveys that met the standards would be eligible for exemptions on the basis of participation in the survey.

The Team had a preliminary discussion of the kinds of license exemptions and other provisions it would be willing to accept in a preliminary approval and what kinds of issues would be problematic for approval. In general, the Hybrid approach would initially accept a state license data base that included the

following license exemptions: youth anglers; senior anglers; persons fishing from a licensed pier or for-hire fishing vessel; disabled or blind anglers. Some states offer reduced fee or free licenses to a variety of applicant types including seniors, active duty military personnel, disabled persons and individuals in low income brackets; since a license or registration is done for these reduced fee or free licenses, the state can collect identification and contact information for the anglers who receive them, and the existence of these licenses will not affect a state's eligibility for a state exemption. However, some of these categories are exempt from licensing requirements in a few states; the Team will further review the magnitude and significance of outright state license exemptions for active military personnel and low income individuals before coming to a decision whether it is willing to accept these exemptions as well. In addition, the approach provides that exemption agreements (MOU's) with exempted states would establish the benchmarks by which the states would develop data over time that would either add identification and contact information for such exempted anglers or show through statistically valid study results that the exempted anglers' fishing effort can be separately estimated or that it is insignificant. The Team has strong concerns about approving the following kinds of exemptions: anglers fishing from private property or from shore or piers generally, or from licensed private vessels; exclusion of significant areas of the state's marine waters from the licensing requirement.

In addition to state license exemptions, the Team believes that the measurable benchmarks for approval of a state's license data frame should also address the following data improvement needs: for lifetime or long-term licenses, consider requiring states to commit to a time frame to refresh licensees' data; for multi-privilege licenses, consider requiring states to commit to a time frame for earmarking saltwater anglers in the license-holder data base; for data delivery, assure state registry data is available and deliverable in a usable format within a specified time frame.

6. PRESENTATION AND DISCUSSION OF STRAW PROPOSAL FOR DEVELOPMENT PLAN

Mr. Colvin distributed a draft outline of the Development Plan (Attachment 3). The Team discussed the draft and identified the changes and additions noted below.

Under Task II, add the following meetings: NOAA MSRA Workshop, Sept. 25, 26; Pacific RecFIN, October 23, 24; AFWA, Sept. 17-21; WPFMC, Oct. 9-12; GSMFC Annual Meeting, Oct. 15-18; ASMFC Annual Meeting, Oct. 29-Nov. 1; CFMC, Dec. (?).

Under Task III, there were questions whether the inventory to date would sufficiently characterize the nature and availability of the states' license data bases, including whether there are confidentiality restrictions on their transfer to a federal survey list frame. In addition, Team members believed it would be useful to determine how state license requirements address fishing for subsistence and by indigenous people and whether they apply to possession or only to fishing in state waters. Mr. Colvin will work with the major regional data collection partnerships to secure that information and add it to the inventory.

It was also noted that, while most of the Team's discussion of registry exemption issues centered on anglers, there is also a need to register all for-hire vessels and our inventory of state licenses includes that data. The Team wanted to be sure that the inventory identified any gaps in for-hire license coverage, and clearly specified whether individuals (guides and captains) must be licensed, or only boats. Federal permit/license requirements should also be inventoried and added.

Task IV. It was noted that for the states and the WPFMC, it is essential to secure timely approval of the approach the Team develops and get the details of what state license program provisions will be approvable (including state license exemptions; multi-privilege and lifetime licenses; form and availability of state license holder data) into the rulemaking package as soon as possible. In addition, the Team noted the need for all involved to be aware that we will be building a registry over time, so not all registry-based data collection improvement objectives will be fully met on 1/1/09. There will be a period of time in which old and new data collection methods will be in use together as we phase in the improvements.

Task V. See discussion above of state license exemptions that would be acceptable and of concern. The Team will follow up on identifying projects and studies related to state exemptions and license data base limitations following consultation with the Operations Team (see Agenda item # 8 below).

Mr. Colvin requested the Team members review and send comments and suggested revisions to the straw goal statement proposal distributed at the meeting:

- Goal: Establish and maintain a directory that identifies and supplies mail and telephone contact information for all marine anglers in the United States.
 - Subgoal: Maximize the use of information collected by states in conjunction with state licenses to populate the directory.
 - Subgoal: Minimize the time, cost and paperwork required for anglers to submit information to the directory.
- Goal: Enable states to collect and submit recreational catch and effort data that conforms to national standards in lieu of submission of angler identification information.

- Goal: Anglers and state/federal scientists and managers have a high level of confidence and satisfaction in the quality and utility of the data that results from use of the directory.

Task VII. Discussion re-emphasized the need for timely development of the regulations. The Team supported the concept of including all of the necessary provisions (i.e. state exemption procedures and standards; registration requirements for individuals from non-exempted states to register as of 1/1/09, including penalties for non-compliance; adoption of a registration fee, effective 1/1/11) in the initial rule rather than to do multiple rulemakings.

Task IX. The Team discussed practical and policy questions regarding how a federal registry requirement would be enforced. The issue needs more discussion and the Team felt a work group of state and federal enforcement experts might be helpful (see Agenda item # 8 below).

7. REVIEW OF REGISTRY TALKING POINTS AND OUTREACH STRATEGY

The Team discussed the current draft of the Registry Talking Points that had been prepared by Mr. Darby in consultation with Mr. Colvin. A few comments had been received from the states and have been addressed in the current version. The Team is satisfied with the Talking Points and is prepared to support the development and delivery of communication and outreach messages that utilize them.

The Team discussed outreach needs and developed the following recommendations for use by the Communication and Education Team in developing their Plan.

- Recommended Goal: every recreational fisherman will be informed about the MRII and Registry process.

- Recommended Goal: every person involved in recreational data collection and the MRII (state, interstate, federal, contractor) and every NOAA employee and contractor will have the same information about the program and will deliver the same message to stakeholders.

- Two key elements of the message are: (1) it's all about getting data we all can trust and rely on; (2) the data won't instantly metamorphose from bad to perfect on 1/1/09.

- The following products should be developed asap and put up on the website: updated power points on the MRII and Registry; FAQ's that are based on the Talking Points; Fact Sheets.

- Evaluate and consider all of the following message delivery methods: national (or several regional) workshop(s) of outdoor writers; Op-

Ed pieces in major newspapers and/or trade press and magazines; regular newsletters or status reports on MRII & registry sent to national, regional and local trade publications and e-mailed to recreational fishing websites; creation of regional stakeholder coalitions to help disseminate information and build support for the MRIP improvements. It was noted that many of these should be done only following consultation with the states (see below), and would be most effective if undertaken in partnership with the states.

The Team noted that state governments are necessary partners in the MRII and Registry effort and therefore constitute separate and critically important outreach and communication needs. The Team agreed that, as a rule, the following principles should apply to outreach efforts to the states:

- before commencing communication and outreach actions in a given state, the state marine fisheries agency should be given an opportunity to be made aware of the effort and to participate;

- state fishery agencies should be kept informed about the progress of the Registry effort by periodic (monthly) e-mail notices so that the directors are not blind-sided on announcements and are provided an opportunity to express concerns about courses of action and announcements that are pending.

The Communication and Education Plan should include these principles and should also indicate that NOAA Fisheries Service staff will be responsive to requests from state fishery agencies and state legislatures to attend in-state meetings and brief legislative committee members and staff on key issues regarding the Registry.

8. REVIEW CHARGES TO WORK GROUPS AND IDENTIFY INFORMATION AND STUDY NEEDS

Mr. Colvin will meet with Operations Team leadership to review issues related to the Hybrid Approach and to list potential needs for projects and actions that will be needed to provide information necessary to support decision-making for the Registry and state exemption actions.

The Team identified the potential need for two supporting Work Groups: one to address technical issues related to design and operation of data bases whereby state license data can be delivered to a national license-holder data base and a second to address federal registry enforcement issues. Both these needs will be further discussed at the Team's next meeting.

